

# RIVERSIDE LAWYER

July/August 2010 • Volume 60 Number 7

MAGAZINE

## Riverside and the Arts

### In This Issue:

The Fox Theater

Riverside Art Museum

Riverside Children's Theatre



The official publication of the Riverside County Bar Association





# **GREAT LAWYERS**

**leave their mark  
on history.**

This is Alan Blackman, Deputy City Attorney for  
Los Angeles and Class of 2001 graduate.

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# RIVERSIDE LAWYER

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# MISSION STATEMENT

## Established in 1894

The Riverside County Bar Association, established in 1894 to foster social interaction between the bench and bar, is a professional organization that provides continuing education and offers an arena to resolve various problems that face the justice system and attorneys practicing in Riverside County.

## RCBA Mission Statement

The mission of the Riverside County Bar Association is to:

Serve its members, and indirectly their clients, by implementing programs that will enhance the professional capabilities and satisfaction of each of its members.

Serve its community by implementing programs that will provide opportunities for its members to contribute their unique talents to enhance the quality of life in the community.

Serve the legal system by implementing programs that will improve access to legal services and the judicial system, and will promote the fair and efficient administration of justice.

## Membership Benefits

Involvement in a variety of legal entities: Lawyer Referral Service (LRS), Public Service Law Corporation (PSLC), Tel-Law, Fee Arbitration, Client Relations, Dispute Resolution Service (DRS), Barristers, Leo A. Deegan Inn of Court, Inland Empire Chapter of the Federal Bar Association, Mock Trial, State Bar Conference of Delegates, and Bridging the Gap.

Membership meetings monthly (except July and August) with keynote speakers, and participation in the many committees and sections.

Eleven issues of Riverside Lawyer published each year to update you on State Bar matters, ABA issues, local court rules, open forum for communication and timely business matters.

Social gatherings throughout the year: Installation of RCBA and Barristers Officers dinner, Annual Joint Barristers and Riverside Legal Secretaries dinner, Law Day activities, Good Citizenship Award ceremony for Riverside County high schools, and other special activities.

Continuing Legal Education brown bag lunches and section workshops. RCBA is a certified provider for MCLE programs.

MBNA Platinum Plus MasterCard, and optional insurance programs.

Discounted personal disability income and business overhead protection for the attorney and long-term care coverage for the attorney and his or her family.

*Riverside Lawyer is published 11 times per year by the Riverside County Bar Association (RCBA) and is distributed to RCBA members, Riverside County judges and administrative officers of the court, community leaders and others interested in the advancement of law and justice. Advertising and announcements are due by the 6<sup>th</sup> day of the month preceding publications (e.g., October 6 for the November issue). Articles are due no later than 45 days preceding publication. All articles are subject to editing. RCBA members receive a subscription automatically. Annual subscriptions are \$25.00 and single copies are \$3.50.*

*Submission of articles and photographs to Riverside Lawyer will be deemed to be authorization and license by the author to publish the material in Riverside Lawyer.*

*The material printed in Riverside Lawyer does not necessarily reflect the opinions of the RCBA, the editorial staff, the Publication Committee, or other columnists. Legal issues are not discussed for the purpose of answering specific questions. Independent research of all issues is strongly encouraged.*

# CALENDAR

## AUGUST

- 5-10 ABA Annual Meeting**  
San Francisco
- 11 Bar Publications Committee**  
RCBA – Noon
- 19 Immigration Law Section**  
RCBA, John Gabbert Gallery – Noon  
“LAX Inspection Process”  
Speaker: Bruce R. Mulraney, Section Chief,  
USCBP/LAX  
(MCLE: 1 hr)

## SEPTEMBER

- 1 Bar Publications Committee**  
RCBA – Noon
  - 2 CLE Committee**  
RCBA – Noon
  - 6 Holiday – Labor Day**  
RCBA Offices Closed
  - 8 Mock Trial Steering Committee**  
RCBA – Noon
  - 22-25 2010 FBA Annual Meeting and Convention**  
New Orleans, Louisiana
  - 23-26 State Bar of California 83rd Annual Meeting**  
Monterey, California
- SAVE THE DATE:**  
Thursday, September 30, 2010 – 5:30 p.m.  
RCBA Annual Installation of Officers Dinner  
Mission Inn, Music Room

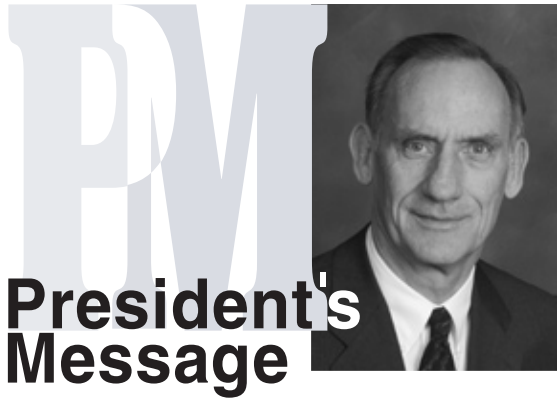


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(September 1, 2010 - August 31, 2011)

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by Harry J. Histen

This is my final message as president of the Riverside County Bar Association. I thank you for the opportunity to serve and for your many kindnesses. I especially thank Jacqueline Carey-Wilson and the RCBA Publications Committee members for producing high quality magazines and for providing challenging monthly magazine themes – until this month. Though the theme food, wine, and culture may be well-timed for the season, my expertise on these subjects ends with my declaration that Peter Pan peanut butter is the world's greatest peanut butter. Other than that, I'll pretend that they meant our court culture.

The Riverside County Superior Court, the county bar association, and the legal community overall seem to be on the upswing. Your RCBA has survived the economic crunch and is settled and ready for another run of growth and for greater service and congeniality. Our Executive Director, Charlene Nelson, has had a successful and highly appreciated first year. Our incoming officers and board members are strong, experienced, young and bright. Most are now seasoned, having just helped lead the bar through trying financial times.

This spring's RCBA election stirred more interest and a greater number of candidates than in recent memory. All were well qualified. Nonetheless, I am very happy with your choice of two new directors. Kira L. Klatchko, a leader of BB&K's Appellate Group, maintains her office in the firm's Indian Wells office. I know her to be bright, fun, and engaging. She has been an active bar member and a fine lawyer. Richard D. Ackerman is also an active member of the bar and is a fierce, but civil,

competitor. Rich practices with Ackerman & Sands, APC, in Temecula.

Because Kira and Rich are joining us, we are, once again, fortunate to have board members from both the Desert Bar and the Southwest Bar. Now that that goal has been achieved, it is something to build on. We battle and confront Sacramento as a county, and both new directors are well-suited to help maintain county unity and to be vocal enough to keep issues that arise on their turf in the forefront.

We also had some fun this year and got to know each other a little better. One of our goals was to add some social activity just for fun. This year's James M. Wortz Distinguished Speaker Dinner/Special General Membership Meeting featured Charles Manson prosecutor and renowned speaker and writer Vincent Bugliosi. Much credit is due, particularly to Robyn Lewis, our incoming president-elect, who scheduled, organized and coordinated the event on May 5 at the Mission Inn. We had a great time with a fun, exciting crowd. As much as we appreciate Robyn's work, some credit must also go to her husband, Jonathan, for suggesting Mr. Bugliosi.<sup>1</sup>

The achievements in Riverside Superior Court in recent years are nothing short of awe-inspiring. When civil cases could not get to trial, our judges found themselves working in a court that was not full-service. That's hard to accept. There was help for a while from the state, which provided a strike force. We continue to have the assistance of judges sitting on assignment. Yet what proved critical was the decision of our judges, followed by their commitment and efforts to take the court back and become full-service, which were heroic.

First, consider the State of California. In 1997, it took over all California trial courts and committed to *equal access to justice*. That was the last we heard of that concept. Staffing was being based, in great part, on 1997 figures. That became a problem in 2002, so the state made 2002 the base year. Though we received and welcomed many fine and productive strike force and assignment judges, that beneficence is inherently incomplete and unfair to our court. While the state furnishes the judge, our court must furnish (read: pay for) facilities, staff and other overhead. Those expenses, when attendant on a permanent judge, are paid for by the state. However, we are grate-

<sup>1</sup> The idea gets it all started. If one crosses your mind, don't judge it, just get it to Charlene or a board member.

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ful for our Executive Officer Sherri Carter and her staff, who softened many of those blows.

Strength is submitting a case to the jury and 30 minutes later starting the next case. It is starting a trial at 4:00 p.m. on a Friday afternoon to avoid a dismissal. The court irrevocably set aside civil departments. It has been adopting Judge Woody Rich's suggestion of a civil master calendar, having Judges Thomas Cahraman and Gloria Trask put teeth into the price of admission to that calendar, and making it work. The result is that the court has gone over a year without any criminal case being dismissed for want of a courtroom. In presiding over the new civil master calendar, Judge Trask has not continued a case for want of a courtroom in over a year.

Our judges have shown their strength, resolve and pride. We should all be thankful for and proud of our court and its staff – they stood and they delivered.

And I got to watch it all. Thanks.



by Richard Brent Reed

*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*

— U.S. Constitution, Amendment X

## Hops Scotch

The need for the federalist system described in the Tenth Amendment is nowhere more apparent than in the patchwork of beer laws in this country, each law tailored to the special needs of the state, county, or city that adopted it. Thanks to Carol Smagalski, the Beer and Brewing Editor of BellaOnline, the nation's beer laws may be sampled. For instance:

- In Louisiana and Delaware, parents may give their kids beer for religious, medicinal, or educational purposes.<sup>1</sup>
- Beer and pretzels cannot be sold together in North Dakota.<sup>2</sup>
- In Ames, Iowa, one may not take three sips of beer while in bed with one's wife.<sup>3</sup>
- In Kentucky, it is a felony to send someone a bottle of beer as a gift.
- It is illegal to walk the streets of Woburn, Massachusetts with a beer in one's hand.<sup>4</sup>
- Curbside consumption of beer by the bucket is against the law in St. Louis, Missouri.<sup>5</sup>
- You can't buy a beer in Houston, Texas on Sunday.
- It's illegal to get a fish drunk in Ohio.<sup>6</sup>
- Alaska has made it illegal to serve beer to a moose.<sup>7</sup>
- In Colorado, beer may not be sold on Election Day.<sup>8</sup>

1 Perhaps Louisiana and Delaware schools should offer beer education courses.

2 This suggests that North Dakota has a powerful peanut lobby.

3 This may account for the low birthrate in Ames, Iowa.

4 Bourbon Street, New Orleans, however, is quite a different story.

5 You should see the lines outside the liquor stores at midnight on Monday mornings.

6 As a fishing technique, that's not very sporting.

7 Very wise.

8 No doubt Colorado does most of its drinking the day *after* Election Day, like the rest of the country.

## The Dawn of Beer

The ancient Egyptians invented beer. The recipe was putatively given to the Egyptians by the god Osiris. More probably, the drink was invented some 5,000 years ago when an Egyptian baker tossed a lump of yeasty dough or half-baked bread into a jar of sweetened water and discovered that, a few days later, the mixture had fermented into a pleasant, foamy drink, full of vitamins, amino acids, and a trace of alcohol. Breweries sprouted up next to bakeries all over Egypt, where beer was made with malted barley,<sup>9</sup> emmer, and yeast, sweetened with date sugar.

Modernly, breweries may be located anywhere there is a good water supply, as is the case with Paul Murphy's brewery at the Inland Empire Brewing Company, located on Palmyrita Avenue in Riverside near the 215 Freeway. The IEBC tasting room offers several hand-crafted ales<sup>10</sup> on tap: blond, brown, porter, India Pale Ale, and a few others.<sup>11</sup>



Richard Reed (center) with owners of IEBC, Paul and Elizabeth Murphy

Ale differs from lager in the type of yeast.<sup>12</sup> The malted barley used in the mash determines the darkness of the ale, depending upon how much the barleycorns are toasted.<sup>13</sup> The darkest barley goes into making

9 Barley is malted by warming it until the grains begin to germinate or sprout.

10 Ale is a type of beer, as is lager (Pilsner and bock beer).

11 Be sure to ask Murphy what's aging in those nice, French oak barrels of his.

12 Murphy uses "California yeast" in his ales.

13 Toasted barley tastes like Grape-Nuts.

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porter, which can be brewed even darker to become extra-stout porter.<sup>14</sup> Stout was a favorite, according to Murphy, of Tsar Nicholas II, so to make it survive the trip from England to Russia, the brewers fortified it with a bit more alcohol and hops<sup>15</sup> and named it Russian Imperial Stout. Ale was likewise fortified against the long voyage to supply the British troops in India; hence “India Pale Ale” or IPA.

## The First Beer Law

Around 1500, Bavaria enacted the world’s first food purity law: the Reinheitsgebot. The Bavarian Purity Law, as it came to be called, required beer to be made only from water, hops, and malted barley. Paul Murphy informed me that, because the government feared bread shortages, the use of wheat was strictly verboten.<sup>16</sup>

## The Beer Strike of 1155

Historically, beer and the law have impacted each other for millennia. The first labor strike on record involved beer. In the reign of Ramses III, around 1155 B.C., Hori, the vizier, had failed to stay on top of the supplies for the workers building pharaoh’s tomb.<sup>17</sup> The tomb workers were paid in beer,<sup>18</sup> along with fish, vegetables, and emmer.<sup>19</sup> For ancient Egyptians, beer was a breakfast drink as well as a noontime thirst-quencher and a dinner beverage.

After going months without rations, the tomb workers, led by Mose, the union rep, laid down their tools and marched

on the Thebes. There, Mentmose, the chief of police, organized them into a quiet mob. Mentmose fetched Ptahemheb, the mayor of Thebes, who had the keys to the temple granaries. The mayor sent a scribe out with a jar of beer, hoping that Mose would accept the bribe and go away. Mose sent the jar back unopened, saying; “Tell the mayor, we’re here for the night.” The workers then lit their torches and began their vigil. After Mose threatened to start robbing tombs, the vizier Hori was fired and was replaced by a more duly diligent vizier, To. Even though there was a grain shortage, To found supplies with which to pay the tomb workers.

Then Penanuke, one of the workers, came forward with evidence of corruption: Weserhat, one of the builders, had been cutting more corners than stone by stripping neighboring tombs for their ornamental facades to use in the tomb of Ramses. And it seems that Weserhat plundered not only the Valley of the Kings, but also the wives of three nearby noblemen. So Weserhat, while preparing pharaoh’s grave, was actually digging his own.

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*Richard Brent Reed, a member of the Bar Publications Committee, is a sole practitioner in Riverside.*



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<sup>14</sup> E.g., Guinness

<sup>15</sup> Hops are flowers that are added to beer as a preservative to keep it from “going off.”

<sup>16</sup> Here, in America, beer can be made from most any kind of grain. In the state of Washington, for instance, Olympia Beer is made from corn imported from Texas.

<sup>17</sup> Ramses may have been in a hurry, since he died about four years later. Egypt’s pharaohs usually started work on their tombs as soon as they ascended to the throne.

<sup>18</sup> The tomb workers at Giza were given beer three times a day.

<sup>19</sup> Wheat for making bread and, of course, beer.



by Richard Brent Reed

There are several notable watering holes in the city of Riverside. Among them are an English pub, an Irish pub, and a Yardhouse. We begin our tour with the Brit.

## The Royal Falconer (downtown on Main Street)

Just a block down the street from Riverside's divorce court stands a Tudor-style<sup>1</sup> British bar, the Royal Falconer, whose roster sports about 25 bottled beers and a dozen drafts: Bass, Bud Light, Inland Empire Brown Ale, Guinness, Harp, Hanger 24 Orange and Pale Ales, Newcastle, Smithwick's, Stella Artois, Blackthorn Apple Cider and Wyder's Pear Cider are all on tap.<sup>2</sup> The tasty IE Brown is made right here in Riverside, whereas Hanger 24 is a San Bernardino County import. If your taste runs to the dark and delicious, try the Smithwick's with an order of curry chips. Happy Hour is 4:00-7:00 p.m. on weekdays.

## Killarney's (Riverside Plaza)

Four miles down Magnolia Avenue<sup>3</sup> from the Royal Falconer brings one to Killarney's Restaurant and Irish Pub in the Riverside Plaza on Central Avenue. Don't leave without trying the Vegetable Boxtie – broccoli, carrots, onions, etc. wrapped in a potato pancake smothered in cream sauce.<sup>4</sup> The pub's motto is "céad míle fáilte": You're welcome a thousand times. That welcome consists of exotic ales on tap – including the very potent Russian Imperial Stout, named after Tsar Nicholas II<sup>5</sup> – and several

exotic bottled beers: Fuller's London Pale Ale, Wychwood Hobgoblin brown ale, St. Peter's Porter,<sup>6</sup> Sam Smith Imperial and Oatmeal Stouts, Murphy's Red Beer, Murphy's Stout, and Oskar Blues Old Chub Scotch Ale.<sup>7</sup> There's even a beer just for lawyers: Stone's Arrogant Bastard Ale.

## The Yardhouse (Tyler Mall)

A mere six miles further down Magnolia Avenue brings one to the Mall at Tyler and the Yardhouse: one of a chain of waterholes found all over Southern California.<sup>8</sup> The Yardhouse offers a full dinner menu, including a finger-food blossom of grilled artichoke.<sup>9</sup> On the other hand, if one is not interested in food, one may buy beer by the glass or, as the name implies, by the yard.<sup>10</sup> Including the four "Yardhouse Craft Beers," 108 beers flow through the 130 taps around the oval bar: Belgian blondes, Czech Pilsners, India Pale Ales, red ales, brown ales (like the incredible Rogue Hazelnut Brown), amber ales, dark lagers (like the luxurious Warsteiner Dunkel and the fabulous Gösser), wheat beers, white beers, American and Belgian Hefeweizens, honey beers, pub creams, porters, ciders, and fruit lambics.<sup>11</sup>

Hours of amusement can be spent just picking and choosing brews from the beer list, supra. If, however, after a hard day in the courts, one wishes to eschew anything involving a decision, just ask for the Stone Arrogant Bastard.

*Richard Brent Reed, a member of the Bar Publications Committee, is a sole practitioner in Riverside.*



1 Tudor King Henry VIII streamlined the law regarding serial marriage

2 The tap varieties are changed every two or three months.

3 Don't worry. I rode my bicycle.

4 But don't try it at home, especially if you're on a diet.

5 They'll never name a beer after Vladimir Lenin or Karl Marx, nor produce a Politbureau Porter, nor a Commisar Stout.

6 When you can no longer say "A pint of St. Peter's Porter, please," you've had enough.

7 Made in America.

8 There are also a few in Arizona, Florida, Texas, Nevada, and Colorado.

9 It's a fun dish to order on a date, even if you don't like artichokes.

10 A "yard" is a very tall, skinny glass that holds a lot of beer.

11 For those who don't know where to start, there is always the six-beer sampler.

# THE FOX THEATER

by Michael J. Elderman

## “The Longest Journey Begins with But a Single Step”

The “single step” that started my five-year journey with Riverside’s Fox Theater was actually a phone call in March 2005, asking me to shoot documentary photos of the interior and exterior of the property, which the City of Riverside had just purchased. The result of that journey – Riverside’s Fox Theater: An Intimate Portrait – was published 200 visits and 14,000 images later, in December 2009.

In my first visit, which I made with Robert Wise, Project Manager for the City of Riverside, I made pictures of everything from a preliminary hole in the wall behind the Fox’s makeshift stage, to the purple wall décor of the former Pussycat Theater, to the storefronts along Market Street and Mission Inn Avenues. When Robert and I returned for another visit, we crossed paths with a homeless man (who was apparently awakened by our traipsing around the interior), an event which I’m sure was the catalyst for the city’s putting up a fence around the theater shortly thereafter.

It wasn’t until 2007 that work began in earnest at the theater, and although I had no idea what such a restoration entailed, I was about to learn – and in a hurry. The wall between the old Fox stage and the small theater space behind it was taken down, and the stage itself was removed; the back of the Fox auditorium became an earthen floor leading through the broken concrete and dirt of the Pussycat to the parking lot behind the theater.

In between my other commercial photography assignments, I would drift over to the Fox every few days and talk either with the City Project Manager or the representatives from Bayley Construction to find out what was being demolished that day, what scaffolding was going up, what ornaments were being poured and formed, and when the concrete trucks would be there.

I tried to concentrate my photographic efforts in two quite different directions: first, of course, I had to document the actual transformation of the parts of the theater being worked on; but second, and just as important, I wanted to make art pictures of the deconstruction of the theater, using light and shadow, texture, color and pattern to create a series of abstract images that would stand alone, and yet characterize the beauty that can be found in such a process.

The photo showing the dirt floor in the foreground and a large hole cut into the back wall of the old Fox (to allow equipment in to remove dirt, rock and other debris) was one of the very first I made. It definitely represented the early stages of deconstruction, but it also had the ironic contrast of the beginning stages of wreckage with the picture-postcard palm-tree-and-sky rectangle showing through. While this photo was more literal, the photo of the stairs and unfinished wall is much more abstract, even as it incorporates literal elements. But the combination of the stairs and the patched wall, and particularly the colors, made for a design that is striking and evocative. The photo of the covered seats



Photographs by Michael J. Elderman

in the Fox is one of the last ones made before publication (done too late to make it into the book), but it too is a haunting combination of the literal and the metaphorical, with the singular piece of bright light illuminating and highlighting an arm of one chair and the red velvet showing through.

Near the end of 2007, I had shown my work to artists and friends, and I was encouraged by Alaska Whelan and Marion Mitchell-Wilson, both then at the Riverside Public Library, to exhibit some of the images. That show occurred in February of 2008, and was followed a few months later by an exhibit at the Victor Miceli Law Library. What I had thought at the beginning – when I told the city that I would like to continue having access to the theater to photograph it – was that perhaps this would lead to a large exhibit. But by the time I had that first exhibit at the library, I knew that I wanted to do a book.

While still pursuing the project and photographing as much as possible, I showed some of my work to Malcolm Margolin, publisher of Heyday Books in Berkeley, California. Malcolm had inspired the Inlandia Institute project in Riverside (which is now coordinated by Marion Mitchell-Wilson). It was through his efforts that I was led to Imago Press, which printed the book, and to Michiko Toki, a wonderful designer who had worked on many previous books with both Imago and Heyday.

This was the kind of project that any photographer would love. It allowed me total access to the physical space, as well as to the workers, painters, and craftsmen who specialize in restoration work on these kinds of buildings. I climbed scaffolds in the theater itself, into the catwalks, and even to the ceiling, where I photographed two men hand-painting squares of design that had faded over the last 80 years. Comparing the early photo of the scaffolding filling the auditorium with the image of the finished new red theater seats made just before the book went to press shows just how dramatic the transformation was.

Although I also photographed the reconstruction of the Pomona Fox Theater and UCR's Culver Center for the Arts,



Riverside's Fox was more inspiring for me as a project because it was more complete – or, should I say, my involvement with it was more complete. I still photograph at the theater, and I am planning a one-year commemorative booklet showing all of the activities at the Fox during its inaugural year.

*Note: My book and other merchandise are available at my studio, in downtown Riverside at 3850 Lemon St., and also at Barnes & Noble, Borders, the Riverside Art Museum, the Mission Inn Museum, and Delights and Invites. All merchandise is also available at my website: [www.mjeldermanphoto.com](http://www.mjeldermanphoto.com).*





by M.J. Abraham

## RAM: A Riverside tradition, with a rich heritage and a fresh contemporary viewpoint.

The Riverside Art Museum (RAM) is the largest contemporary visual arts museum in the Inland Empire, offering quality exhibitions, educational programs, and community art events. The museum is a 50-year-old private nonprofit arts institution that welcomes over 50,000 visitors annually.

RAM is housed in a 1929 building designed by Hearst Castle architect, Julia Morgan. Listed as the "Old YWCA" building on the *National Register of Historic Places*, the museum holds great historical, social, and architectural significance. And it is with great pride that RAM's board, staff and supporters of the arts protect and preserve this unique treasure.

RAM's mission is to *promote an appreciation of the arts by presenting quality exhibitions and community outreach programs for the cultural enrichment of the region*. As we focus on our purpose, we truly experience the richness of our city's diversity, arts and culture and we are an important focal point for its expression. We rely on financial support from memberships, donations, sponsorships, grants, and planned giving. A few accomplishments this past year include:

- Presenting 18 diverse and highly acclaimed visual arts exhibits. This includes a "RAM artist members only" exhibit featuring Riverside's most talented artists.
- Being designated the "Best Museum in the Inland Empire" by IE Weekly and Fox L.A.
- Providing leadership for Riverside's "City of Arts & Innovation" initiative.

- Collaborating with Joshua Tree National Park to create the National Artist-in-Residence program.
- Securing \$171,000 in grant funding for annual programming, including last year's portion of a three-year \$225,000 grant from the James Irvine Foundation.
- Reaching a record 8,200 schoolchildren through grant funding, and serving thousands more through private art classes.
- Reaching 2,000 attendees at First Sundays, RAM's free family-friendly event, representing growth of 200 percent.
- Revising membership levels and benefits to better serve and represent our constituents.
- Increasing building improvements, using proceeds of RAM's 80th Birthday Celebration Fundraiser.
- Cataloging RAM's Permanent and General Artwork Collections.
- Creating the ARTreach Program to provide art classes to two of Riverside's family and adult shelters.
- Expanding ARTSWALK to include "RAM ARTBITES," a series of interactive activities and performing arts related to exhibits.
- Developing our Strategic Plan to ensure strong leadership, relevancy to our community and long-term sustainability.

As you can see, we have an aggressive agenda. In an economy that has presented what some say are unmatched challenges for the arts and museums, RAM is growing and attracting Riverside's best and brightest.

The recent formation of "VERGE," a group of young professionals who want the arts to be a constant in their lives and who refuse to settle for traveling to another city to find it, clearly attests to this art-attitude explosion. VERGE's summer rooftop music and arts



## FINAL DRAWING of the Riverside Historic Courthouse by Judy Field

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events and year-long artistic promotions will surely intrigue you. ARTERY is another group that cropped up last year. It provides an adults-only evening to help you find your inner artist through playful art experiences in the company of old and new friends. Both of these creative new art groups, along with the Art Alliance, RAM's primary fundraising arm since 1965, support RAM's operations and programs. Art Alliance events such as the Giant Orange, the Banner Art Venture, and the most recent Garden Tour are examples of the quality and caliber of arts promoted through the Riverside Art Museum.

While visitors to RAM's art openings and events enjoy themselves, they also get to see first-hand how our beautiful building provides a backdrop for any occasion. RAM's facilities, including the only outdoor rooftop venue in downtown Riverside, are available year-round at reasonable rates. In fact, we were recently asked to accommodate a legal representative from Orange County who was looking for a private space to hold a deposition. They were pleased to find such a quiet, comfortable, professional space so centrally located. Keep RAM in mind should you encounter the need for facilities for your personal or business activities.

As the museum embarks on its 2010-2011 fiscal year, we take on the challenge of meeting fundraising and increased membership goals. One of the ways you can help us meet these goals and continue to provide the arts to our community is to become a member of RAM. The benefits to you, your family, friends, employees, and community will far outweigh the

investment, we promise you. Visit [www.riversideartmuseum.org](http://www.riversideartmuseum.org) for art activities and membership information. Or call (951) 684-7111 directly and ask for the new member's special for legal professionals and save 10 percent on your membership. Make this year the year you get involved in the arts!

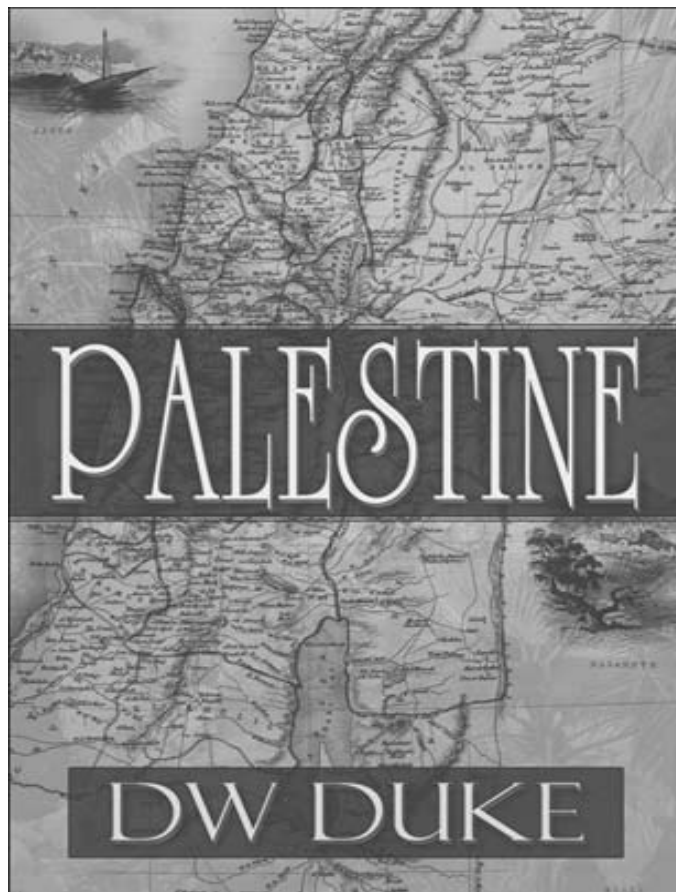
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*M.J. Abraham has served as RAM's Executive Director since July 2009. She retired from the City of Riverside, where she had worked for 12 years as the Marketing and Communications Manager for the Public Utilities Department.*

*With a leadership style that promotes the arts through sound marketing, business practices and financial management, combined with creativity, taste, and appreciation for the arts, M.J. hopes to poise the museum to be even more prestigious and valued than it has ever been.*

*With this objective, and the guidance of an amazing group of board volunteers, including Greg Adamson, Marlene Allen-Hammarlund, James Antoyan, Beverly Bailey, Joe Barr, Craig Blunden, Lois Ford, Tony Ginter, Rick Hartsock, Amy Hao-Heil, Jack Holley, Jackie Hopper, Maureen Kane, Katie Krieger, Cathy Kienle, Sperry MacNaughton, Andrea McCormick, Madelyn Millen, Jamie Robinson, Jim Roorda, Camille Sanders, Douglas Shackelton, Matt Shea, Debora Sigler, Sue Simonin, Sarah Smith, Renee Theurer and Darcy Weis, this vision is sure to be realized. We welcome your support. Please don't hesitate to call us to get involved with RAM.*





# **Palestine**

by DW Duke

## **Product Details**

**ISBN:** 978-1-4489-4611-2

**# Pages:** 160 pages

**Dimensions:** 5.5 x 8.5

**Format:** Softcover

***Palestine* is about a Jewish boy named Aaron Levy who, at the age of five, is traveling with his family in Israel when the vehicle in which they are riding is attacked by Palestinian terrorists. His entire family is killed in the attack. Aaron is traumatized and emotionally scarred.**

**Many years later, Aaron enrolls in medical school in the United States and meets a beautiful female Palestinian medical student named Al Zahra who is a descendant of Mohammad, the founder of Islam. They become very close but their religious and ethnic differences place them into a forbidden romantic relationship. After four years of medical school, they part ways, and many years later, they meet again when Aaron, as an Israeli Defense Forces medical officer, comes face to face with Al Zahra, who is now a Palestinian doctor working in a hospital in the municipality of Gaza. Under the pressures of a combatant situation, their religious differences and their human strengths are put to the ultimate test. Described as an "action romance," this book will keep you on the edge of your chair from beginning to end.**

**DW Duke is the managing partner of the Inland Empire law office of Spile, Siegal, Leff & Goor, LLP and has published numerous books and articles on various topics of law. He is extensively involved in matters of human rights with emphasis in the Middle East and in particular Israel and Iran. While trying to develop a way to get his message to the public he decided to write a novel called "Palestine" to address the Israeli/Palestinian crisis.**

***Palestine* will be available soon at Amazon.com and your local bookstore.**

**To order directly from the publisher call 301-695-1707.**



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# FAMED ATTORNEY AND AUTHOR VINCENT BUGLIOSI, FEATURED SPEAKER AT WORTZ DISTINGUISHED SPEAKER SERIES

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*by Robyn A. Lewis*



*Vincent Bugliosi and Harry Histen*

The Riverside County Bar Association was honored to host famed attorney and author Vincent Bugliosi, who spoke at a special general membership meeting/dinner offered by the Riverside County Bar Association at the Mission Inn on May 5, 2010 as part of its Wortz Distinguished Speaker Series.

In his career as a prosecutor for the Los Angeles County District Attorney's office, Mr. Bugliosi won 105 out of 106 felony jury trials. His most famous case was the Charles Manson case, which became the basis of his best-selling book, *Helter Skelter*, the biggest selling true-crime book in publishing history.

Both *Helter Skelter* and the subsequent *Till Death Us Do Part* won Edgar Allen Poe Awards for the best true-crime book of the year. *And the Sea Will Tell*, another of his true-crime books, was on the New York Times best seller list. Mr. Bugliosi is also well known for his other

national best-seller on the O.J. Simpson trial, *Outrage: The Five Reasons Why O.J. Simpson Got Away with Murder*. He has also written *No Island of Sanity: Paula Jones v. Bill Clinton: The Supreme Court on Trial* and *Reclaiming History: The Assassination of President John F. Kennedy*. Many of Mr. Bugliosi's books have been made into television movies or miniseries.

Mr. Bugliosi participated in a British television production in which he prosecuted Lee Harvey Oswald for the assassination of John F. Kennedy, going up against celebrated defense attorney Gary Spence. The 21-hour "docutrial" had a real judge and jury, the actual witnesses in the Kennedy case and no script or actors. Ultimately, the jury convicted Oswald.

Mr. Bugliosi spoke on the Charles Manson case and *The Manson Murders: The Trial of the Century* at the dinner event. Following his discussion, Mr. Bugliosi stayed for a book-signing event and to meet members of the Riverside County Bar Association and other attendees.

*Photographs by Michael J. Elderman*



*Jonathan Lewis and Vincent Bugliosi*



*Larry Maloney, Sandy Simmons, Judge Craig Riemer*



*Harlan and Lori Kistler*



*Jim Wiley, Lynne and James Lillard, Judge Jean Leonard*



*Booksigning*



*Bernie Donahue, Gordon Trask, Judge Edward Webster*

# RIVERSIDE CHILDREN'S THEATRE

by Janet C. Sewell

## “Cultivating the Whole Child”

As an educator and mother, I know that providing quality opportunities for children to learn about the arts has long been a subject of discussion and an issue for debate among many who decide whether to cut the arts from the educational budget. Fortunately, in support are the National Standards for Arts Education, which state, “Arts education benefits the student because it cultivates the whole child, gradually building many kinds of literacy while developing intuition, reasoning, imagination, and dexterity into unique forms of expression and communication.” In addition, “An education in the arts benefits society because students of the arts gain powerful tools for understanding human experiences, both past and present. They learn to respect the often very different ways others have of thinking, working, and expressing themselves.”

Riverside Children's Theatre (RCT) promotes this national goal. RCT is a leading children's theater in Riverside County that serves the mission of cultivating the minds of children through performance arts expression; thereby, the organization offers a solid connection for children to the community of Riverside. As a performing arts school and performance troupe, winning awards from the Inland Theatre League and the Press-Enterprise, RCT has introduced thousands of children to the magical world of theater through participation in drama instruction and performance opportunities. My 11-year old son has flourished academically, socially, and cognitively due in part to his exposure to the arts at an early age.

As stated in the comprehensive document, *Seizing Our Destiny*, Riverside aspires to be a city of “international reach – with a great diversity of people” and of “inspiration – by creating a culture and community of the arts.” As part of the culture and community of Riverside for over 50 years, RCT links the ideals of the arts and culture with the businesses of Riverside through partnerships such as advertisements and fundraising to support local businesses, thereby achieving the vision of seizing our destiny. In addition, through its partnerships with the Press-Enterprise, the Fox Theater, and Riverside Plaza, it continues to bridge the seemingly distinct entities of businesses and the arts and culture. With quality children's theater performances, we are building capital toward the stated goal of viewing Riverside as a city of arts and innovation. Within that plan, we collaborate with the Fox Theater in fundraising through group sales while at the same time we expose our young actors to Broadway Theater right here in Riverside.

Additionally, RCT's popular performances, such as 2009-2010 *Disney's Beauty and the Beast*, continue to “raise the

profile of arts and culture in Riverside,” as per the stated goal of the Riverside Cultural Consortium. Furthermore, the selection of productions that span a diverse audience will ensure that we move forward on the path of the destiny of Riverside. With continued partnerships with the Riverside Unified School District for venues (UCR and Ramona High School), area businesses for printing services (PIP), and the Press-Enterprise and Riverside Plaza for marketing events and print advertisements, RCT supports the city's vision, which boasts a desire to have a “strong innovative economy that builds community.”

This community of the arts, beginning with children, adds to “the history, culture, architecture, and natural beauty of Riverside [which] ha[ve] given birth to . . . performance venues offering visitors, residents and artists an oasis of cultural opportunity.” Advancing the goal of making Riverside the city of arts and innovation, RCT's productions promote the arts at the earliest age for children to be in theater. With this exposure, we add to the city's goal of “seizing our destiny” by providing entertaining, award-winning children's theater in the city of Riverside.

Membership in RCT is open to all students regardless of background, encouraging children of diversity to learn acting and participate in theater. Each year, over 160 children, from kindergarten through 8th grade, participate in RCT's acting school. The acting school, unique among area performing arts groups, holds classes throughout the year for three hours on Saturday mornings. These classes instruct students in music, dance, and theater arts, focusing on presentation and delivery. In addition, great attention is devoted to helping children build their self-esteem, confidence, and public speaking skills, which will enhance their adult lives wherever their career paths take them.

Children who are students of the school may audition for the two musical productions held in the fall and spring each year. Productions have included *Willy Wonka*, *Snow White*, and *The Wizard of Oz*. Full musicals, replete with a live orchestra, costumes, and make-up, provide children with the feeling of being an integral part of the production. Rehearsals last for two months and culminate in six performances before paying audiences. RCT also performs at no cost for the deaf community, group home residents, senior assisted living home residents and local students from low-income schools on a predetermined night during the performance run.

The success of the program is seen in the alumni from RCT who have gone on to further their passion for acting by their acceptance in secondary education in the prestigious Orange County High School of the Arts and who even pursue acting careers on stage and screen. Clearly, the benefits are



seen both individually as well as within Riverside's arts community as these children flourish on stage and beyond.

Mark your calendars for this year's outstanding performances as Riverside Children's Theatre presents:

- Fall Production: *Junior University's Aladdin*, October 15/16 and October 22/23, 2010 at Ramona High School in Riverside. Join a cast of over 80 as they sing, dance, and transport you to "a whole new world."
- Spring Production: *Seussical the Musical*, March 4/5 and March 11/12, 2011 at Ramona High School in Riverside.

Tickets to all our performances are \$10 in advance at the following ticket outlets: Alin Party Supply, Riverside; Ponies and Pigtails in Canyon Crest/Riverside Plaza kiosk, Riverside; and Capezio at Tyler, Riverside. They may also be purchased at the door for \$12. For more information or for online tickets using PayPal, visit RCT at [www.riversidechildrenstheatre.org](http://www.riversidechildrenstheatre.org).

Sources:

National Standards for Arts Education: <http://www2.ed.gov/pubs/ArtsStandards.html>

Seizing Our Destiny: <http://www.riversideca.gov/pdf/seizingourdestiny.pdf>

*Janet C. Sewell is Vice President of Programs with the Riverside Children's Theatre.*



*Aaron Kaufhold as Cogsworth, Chad Pattison as Beast, Andrew Savage as Lumiere*



*Rachel Johnson, Margo Mafra Spencer, Natalie Mann, Adriana Mangione, Claire Takeshita, and Isabella Mangione as Silly Girls*



*Grant Sewell as Maurice, Courtney Barnes as Belle*



*Aaron Kaufhold as Cogsworth, Andrew Savage as Lumiere, Katie Waterland as Mrs. Potts, Shelby Sloneker as Chip*



*Yadira Schrom as Flower Arrangement, Katia Mafra Spencer as Mrs. Potts, Angie Gomez as Wardrobe, Jordan Sugden as Chip*



*Chad Pattison as Beast, Micaela Arias as Belle*

# JUDICIAL PROFILE: THE HON. SARAH ADAMS CHRISTIAN

by Donna Thierbach

There are many interesting and winding paths to a legal career, and Judge Sarah Christian demonstrates what a person can accomplish with hard work and determination. Judge Christian was born in Arkansas. However, her family moved to Southern California when she was five years old, because the farming had not gone well in Arkansas for the previous two years. The youngest of ten siblings, Judge Christian was one of six who made the move with her parents. They all crammed into their 1946 Ford, with a canvas bag of water hanging on the front of the radiator. When they first arrived in California, her parents worked in a citrus packing house, and for three months they all lived in two rooms of migrant housing and for a further three months in four rooms. She grew up in La Verne and San Dimas, and her father eventually got a job with the school district. Initially, he drove a school bus, but later he was promoted to custodian, and he retired as head custodian of Bonita High School, the school from which Judge Christian graduated.

Neither of Judge Christian's parents had an education beyond the seventh or eighth grade. However, they both had a strong work ethic and an open mind. When Judge Christian was a freshman in high school, they bought their first home, one large enough so her mother could operate a family care home for the Department of Mental Hygiene. That meant that six female mental patients moved into their home and shared their meals, family holidays and day-to-day activities. Her mother had the ability to love everyone and had found her niche.

Judge Christian's parents taught her that there wasn't anything she couldn't do if she wanted it bad enough. All it took was hard work, determination, and often the help and encouragement of those around her. Having learned this, she began working early to save money for college and, right on schedule, she entered California Baptist College in Riverside. Like so many young girls, however, she decided a marriage certificate was better than a degree and dropped out of college after a little over two years, married, and joined the working world.

At first, Judge Christian worked in her husband's family business, but soon she decided to strike out on her own. In 1968, she landed the newly created position of "eligibility worker" for the Riverside County Welfare Department.



*Sarah Adams Christian*

She was assigned to the Validation Unit and conducted home investigations to determine if applicants were eligible for assistance. She eventually ended up as the Welfare Department's Child Support Liaison to the District Attorney's Child Support Division. It was at this point that she first began to think about the law as a profession. She left the job when she and her husband moved to Florida, where she worked for the Pinellas County Welfare Department as an investigator.

Judge Christian returned to Riverside in 1974 after her first marriage ended in divorce. After first working as the office manager for the new owners of Skip Fordyce Motorcycles and then working for her brother-in-law's insurance agency, she found herself back at the Welfare Department in Quality Control as a foster home and general relief program specialist. Her job required her to take state law and make county regulations for the Welfare Department.

Judge Christian remarried and became a stay-at-home mom, raising her husband's two children from a previous marriage and later their own son, Beau. Tragically, after ten years of marriage, her husband, George Christian, was killed by a drunk driver while they were on vacation. At the time of his death, Judge Christian was 38 years old, with three children ages 6, 15 and 18. After living in a void for a few months, she decided to go back and finish college. She returned to California Baptist and graduated in two years with a Bachelor's in Political Science/Public Administration and a Bachelor's in Business Administration. After graduation, she went to law school at the University of La Verne. She attended full-time, graduated after three years, in 1990, and passed the bar the first time.

But even before taking the bar, Judge Christian was ready to look for a nice rural area in which to finish raising her youngest son, by now the only child still at home. She began looking for a city in California that had a population between 6,000 and 40,000 and was affordable. She knew she was not interested in practicing criminal defense or personal injury, so she wrote to the district attorney, county counsel and private firms in those locations.

In response to one of her letters, Judge Christian received an interview with the law firm of Kellison & Cady in Susanville. She flew to Susanville, interviewed for the position, went to an office party, and met with a

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realtor before returning home. After she returned home, she was offered the position, and she was hired before she took the bar. She sold her home, went on a family vacation to Hawaii, and then moved to Susanville. The firm specialized in business and real estate law and represented the municipal utilities district. After 22 months, Judge Christian felt ready to venture out on her own. She went into private practice and for the next ten years, practiced in Susanville. She handled family law, dependency, wills and trusts, real estate, and business cases. For five years, she also had a contract as a special prosecutor to handle all the juvenile prosecutions in Lassen County.

After ten years, Judge Christian felt drained from her private practice and thought she needed a break. She accepted a position as the assistant to the local community college president, but after two years, missed the practice of law and was ready to return. She was hired by the Riverside County District Attorney's office and accepted an assignment to Blythe as the deputy in charge. After her first year in Blythe, she decided to run for judge when the seat in Blythe was left vacant by retiring Judge Arjuna "Vic" Saraydarian. It looked like an impossible situation, in that six other candidates had thrown their hats into the ring. During the campaign, after she finished her daily duties as a deputy district attorney, she would drive to various campaign functions all over the county, often

returning home near midnight and required to be back at work at 8 a.m. The hard work paid off; she was elected in 2004 and took the bench on January 1, 2005.

As the only judicial officer in Blythe, Judge Christian handles misdemeanor criminal cases through trial (unless the trial exceeds three days, in which case it is sent to Indio) and handles felonies through preliminary hearing. She also handles law and motion for limited and unlimited civil matters, family law, small claims, unlawful detainers, civil harassment, and traffic. In addition, she presides over a drug court and a truancy and safe schools court.

Judge Christian is now in Riverside County to stay. Her oldest child works for Riverside County Code Enforcement and her youngest is an officer for the Corona Police Department. Her middle son is in the restaurant business. She is the proud grandmother of eight, which keeps her busy on the weekends. In her spare time, she loves reading and reads three to six books a week. She especially enjoys mysteries and suspense novels.

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*Donna Thierbach, a member of the Bar Publications Committee, is retired Chief Deputy of the Riverside County Probation Department.*





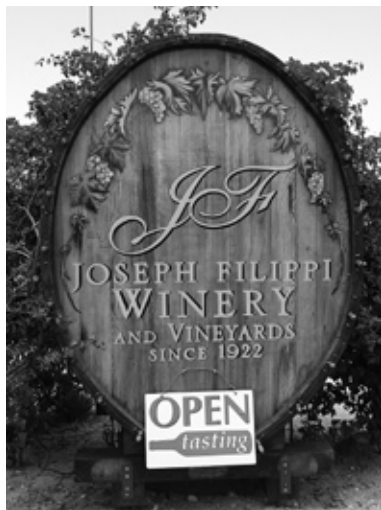
# CUCAMONGA VALLEY WINERIES

by Bruce E. Todd

On November 26, 1826, the famous fur trader and explorer Jedediah Smith and his party wandered down the Cajon Pass and became the first Americans to enter the San Bernardino Valley. These hardy explorers would have been thirsty for water after crossing the notoriously harsh Mojave Desert; the last type of liquid refreshment they probably had on their minds was a good Cabernet or Merlot. Yet they had entered a region which one day would develop into California's oldest and, at one time, largest grape-growing region.

Although most of the grapes have now disappeared, the Cucamonga Valley still serves as the site of several wineries, which are worth a visit by anyone who is interested in sampling excellent "local" wine. The following three wineries are located within several miles of each other and can all be easily explored in just one day.

## Joseph Filippi Winery and Vineyards



This winery has been operated by five generations of the Filippi family since 1922. The tasting room is located inside a historic structure that would be well worth a visit even if wine were not served within. An Old West ambiance has been created by such items as a 1920 Ford TT truck (previously used for transporting beer kegs and shipments of wine), a circular wine sampling bar, and numerous glass cases that contain historic souvenirs of yesteryear. These include vintage wine labels and bottles, wine-making tools and faded newspaper articles about the winery and the local region. There are photographs of the founder himself, Joseph Filippi, who died on September 27, 1998 at age 93.

The interior of the building includes a lounge with comfortable sofas and chairs, a large banquet room, and a "wine library," which is available for private tastings. There is an adjacent exterior picnic area for those who want to might want to sample their new purchases with some cheese and crackers. On pleasant days, this

area offers an excellent view of the nearby San Gabriel Mountains.

Of the three wineries in the Cucamonga region, this one offers the most extensive gift shop, which features such knick-knacks as wine glasses, gift baskets, picnic sets, condiments, hats and shirts. And, of course, a vast selection of wines is available.

The winery has attempted to remain loyal to its history of Cucamonga Valley winemaking. Its limited production releases include Merlot, Cabernet Sauvignon, Cabernet Franc, Petite Sirah, Alicante Bouschet, Mourvedre, Muscat Canelli, Syrah, Chardonnay, Zinfandel, Riesling and Orange Muscat. Specialty ports and aged sheries are also available.



Tasting hours are 10 a.m. to 5 p.m. on Monday, 10 a.m. to 6 p.m. on Tuesday through Saturday, and 11 a.m. to 5 p.m. on Sunday.

Located at 12467 Baseline Road, Rancho Cucamonga (Etiwanda), CA.

## San Antonio Winery



This location in Ontario is actually a satellite of the mother-ship operation, which is located in downtown Los Angeles (737 Lamar Street). The historic Los Angeles site is itself definitely worth a visit (perhaps before or after a Dodger game, since the winery is just a few miles from Chavez Ravine).

The San Antonio Winery was founded in 1917, when Santo Cambianica immigrated from his home in the

Northern Italian province of Lombardy and settled in a developing Italian-American community in Los Angeles. Today, it is the only producing winery in Los Angeles, and it is still at its original location. It has been designated as a Cultural Historical Landmark by the City of Los Angeles.

The Ontario location is housed within a modestly sized structure, which, in comparison to the other two nearby wineries, is somewhat mundane. The interior features a wine-tasting bar that seats about 10 visitors, a small gift boutique, and, of course, bottles of wine for sale. The gift area features wine glasses, condiments, gift baskets and other wine-related trinkets. The interior includes a small banquet facility, and there are some picnic tables along an exterior wall of the building.

The family of Stefano Riboli, the nephew of Santo Cambianica, has been operating the San Antonio Winery for four generations. Among the wines that are available are the Riboli Family Vineyard label Cabernet Sauvignons from 2007 and 2008. The San Antonio label features a Cask 520 Bordeaux blend, Heritage Red Rhone blend, Heritage Blanc blend and Classic Chianti Special Select.



Tasting hours are 10 a.m. to 6 p.m. on Sunday through Thursday and 10 a.m. to 7 p.m. on Friday and Saturday (closed on Monday).

Located at 2802 S. Milliken Avenue, Ontario, CA.

## Galleano Winery



Listed in the National Register of Historic Places, the Galleano Winery merits a visit by the sightseer as well as the wine-lover. It consists of 13 structures that represent the expansion of the Galleano family over

the past 80 years. The ranch-like property serves as a living museum of the local wine industry and a bygone era.

Domenico Galleano and his wife Lucia purchased the Cantu Ranch in the Wineville area of Cucamonga Valley in 1927 and have been operating the property as a winery since 1933. It is the oldest wine-making operation in Riverside County (sorry, Temecula). Although the winery complex is now surrounded by modern industrial warehouses, the visitor, once inside, is treated to the ambiance of days gone by. There is, as the Eagles would ultimately sing, a peaceful, easy feeling, which makes one forget the modern world. The place can be a photographer's delight. Besides the many historic structures, which are shaded by native trees and shrubs, there is a relaxing picnic area, which includes adjacent cages containing friendly livestock (fun for the kids while the adults sip on their reds and whites!).

The tasting room itself is the smallest of the three local wineries. It has a small gift shop, with offerings including some T-shirts, hats and condiments. Despite its intimacy, the tasting area has a pleasant, historic feeling.

The winery has available such local gems as Cucamonga Peak White and Peak Red, Three Friends Port, Nino's Solera Sherry and Sherry Crema.



Wine tasting is available 9 a.m. to 5 p.m. on Monday through Saturday and 10:30 a.m. to 5 p.m. on Sunday. Tours of the historic winery are available on weekends from 2 p.m. to 4 p.m. or by appointment (951-685-5376).

Located at 4231 Wineville Road, Mira Loma, CA.

*Bruce E. Todd, a member of the Bar Publications Committee, is with the law firm of Osman & Associates in Redlands.*

*Photographs by Bruce E. Todd*



# A LOT ABOUT GAUT<sup>1</sup>

by Vicki Broach

In February 2010, Justice Barton Gaut retired from the court of appeal after a legal career spanning more than 47 years. Other publications have covered the basics: his marriage to his high school sweetheart, Merla, while they both attended UCLA; his graduation summa cum laude from UC Berkeley's Boalt Hall School of Law in 1962; his brief military career as an intelligence officer in Washington, D.C.; his fabled tenure at the law firm, Best Best & Krieger, where he never ducked a trial; his four admirable offspring, including his lawyer son, Kevin; and his appointment to the superior court, succeeded rapidly by his elevation to the appellate court. During his years at the court of appeal, he authored hundreds of opinions, more than 100 of which were published.

This interview by myself, a chambers attorney to Justice Gaut for 13 years, proposes to ask the questions no one has yet dared to pose to the Boss, as we deem him (with apologies to Bruce Springsteen). Before he left for Spain to visit one of his grandsons, I sat down with Justice Gaut and an idiosyncratic list of leading questions:

**Who calls you "Bart" and who calls you "Barton"? Which do you prefer?** Most people I know best call me "Bart," but my wife uses "Barton."

**Who had the biggest influence on you while growing up?** My father did not have much education or many advantages, but he persevered and succeeded in achieving an important position working for Northrop. He encouraged me to pursue law, which became my ambition in high school.

**What was your first car?** A two-door pre-World War II Chevy sedan that I bought as a junior in high school. It was still difficult to get used cars in the post-war period. I paid for it with money earned working at Melody Music, a music store owned by my parents in Hawthorne, California. I worked there in high school and college.

**Are you musical?** I played the clarinet in the high school band and the Los Angeles all-youth symphony.

**Why do you hate country western music and love opera? Aren't they both about passion and loss?** We sold lots of guitars at the music store and I never liked country music. When I was older, my wife and I attended some class in music appreciation at UCR which taught us to admire opera. My favorite is *Turandot*.

<sup>1</sup> Credit for this title is due to Carmela Simoncini, a research attorney at the court of appeal.



*the court en banc*



*Justice Tom Hollenhorst, Presiding Justice Manuel Ramirez, Justice Bart Gaut, Justice Art McKinster*



*Merla Gaut and Kevin Gaut (Wife and son)*



*Justice Betty Richli, Justice Tom Hollenhorst, Presiding Justice Manuel Ramirez, Justice Art McKinster, Justice Bart Gaut*



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**Did you have a favorite superhero?** I liked sports figures. I was a big fan of the Los Angeles Rams before they left town.

**Who should replace Justice Stevens on the U.S. Supreme Court?** Obama may have terrible trouble making an appointment. But I hope he will be able to choose someone who is more liberal than conservative.

**How was the world different for your parents and how will the world be different for your grandchildren?** When I was very young, my family lived in a small town and we didn't feel the same kinds of global concerns. My present concern is that the United States do a better job handling issues of poverty and immigration. People need to be less selfish in their interests.

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*Photographs courtesy of Debbie Cannan and Carmela Simoncini*



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at the RCBA office  
(951) 682-1015 or  
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The website includes bar events calendar, legal research, office tools, and law links.

You can register for events, make payments and donations, and much more.



# WINE SHIPPING

by Derek K. Early

If you've ever tried to order wine over the internet, you've likely noticed the emphasis that is placed on what state the wine will be shipped to. That emphasis is prevalent because, much to the dismay of numerous wine enthusiasts, many states do not permit direct shipping from those who produce wine to those who consume it.

## The 3-Tier System

Thanks in large part to the internet, it is increasingly common for consumers to get various products directly from producers, rather than through retailers. This development is extremely beneficial for smaller producers, who may no longer have to convince distributors to carry their products or rely as heavily on retailers to sell them. It also provides consumers with more options and sometimes lower prices due to the increase in supplies and the elimination of the "middleman" from the chain of commerce.

When it comes to wine, however, direct shipments from producers to consumers are severely restricted or banned outright by many states. Such states often require the use of a three-tiered distribution system (producer – wholesaler/distributor – retailer) for the sale of wine, which prohibits producers from selling directly to retailers and consumers in most circumstances. These states argue that this system protects consumers by preventing producers from exercising undue influence over retailers and consumers. They also claim it strengthens the government's ability to regulate the wine industry by discouraging sales to minors and ensuring that applicable taxes are paid.

But requiring wine to be sold through a distributor hinders the ability of small producers (whose wines may be of equal or better quality) to compete with the larger producers who can negotiate more favorable deals with distributors. In fact, many small producers struggle to produce sufficient volume to make it worthwhile for distributors to even carry their products. As a result, the number of options otherwise available to many consumers is reduced.

## An Outgrowth of Prohibition

Somewhat surprisingly, the regulation of the wine industry in America is still heavily influenced by Prohibition. Prohibition lasted from 1920 to 1933. It began with the ratification of the 18th Amendment, which prohibited the manufacture, sale, and transportation of intoxicating liquors in the United States, and

ended when the 18th Amendment was repealed by the 21st Amendment. However, the repeal was not wholesale. Instead, the 21st Amendment vested the power to regulate the manufacture, sale, and transportation of alcohol in the states, leading to the patchwork of alcohol-related laws we have today.

There is no national standard regarding the direct shipment of wine, except that a state cannot treat wineries in its state more favorably than wineries located in other states. This rule was established by the Supreme Court in *Granholm v. Heald* (2005) 544 U.S. 460, a 5-4 decision, where the court ruled that laws in New York and Michigan allowing in-state wineries to ship directly to consumers but not affording out-of-state wineries the same opportunity violated the dormant Commerce Clause.

Many producers and consumers hoped that the Supreme Court would use the *Granholm* decision to do away with all of the restrictions on direct shipments of wine. Instead, the court merely reaffirmed the 21st Amendment principle that states can individually choose how to regulate these shipments, with the caveat that they cannot discriminate between in-state and out-of-state producers in doing so.

## The Debate Continues

There is no doubt that the proliferation of websites, blogs, and social media has increased demand for wines from smaller producers. Meanwhile, consolidation within the wholesaler/distributor industry has made it more difficult for smaller wineries to make their products available to consumers through the three-tiered distribution system. Allowing direct shipments may seem like the obvious solution, but many states worry about their ability to collect taxes from such sales and to prevent shipments to underage consumers. Consequently, even though there are numerous advocates among consumers, producers, and retailers pushing for the elimination of direct shipping restrictions, several states have reaffirmed their commitment to regulation, asserting that the benefits of preventing direct shipments outweigh the costs. So for now, at least, the legality of direct shipments continues to vary from state to state.

*Derek K. Early, a member of the Bar Publications Committee, is a partner with the law firm of Varner & Brandt, LLP in Riverside.*



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